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RCE 1600A

PTO/SB/30 (05-03)  
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# REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

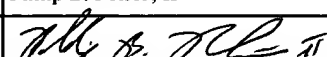
Address to:  
Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Application Number	09/954,988
Filing Date	9/15/2001
First Named Inventor	Hansen Jr. et al
Art Unit	1621
Examiner Name	Paul Zucker
Attorney Docket Number	3366/1 US

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application  
Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such
- a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
- i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_
- ii. ☐ Other \_\_\_\_\_
- b. ☒ Enclosed
- i. ☒ Amendment/Reply
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☐ Other \_\_\_\_\_
2. **Miscellaneous**
- a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of \_\_\_\_\_ months (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)
- b. ☐ Other \_\_\_\_\_
3. **Fees** The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.
- a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 19-1025
- i. ☒ RCE fee required under 37 CFR 1.17(e) 03/19/2004 AWONDAF1 00000120 191025 09954988
- ii. ☒ Extension of time fee (37 CFR 1.136 and 1.17) 01 FC:1801 770.00 DA
- iii. ☐ Other \_\_\_\_\_
- b. ☐ Check in the amount of \$ \_\_\_\_\_ enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)
- WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print / Type)	Philip B. Polser, II	Registration No. (Attorney / Agent)	43,864
Signature		Date	3/15/2004

## CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Name (Print / Type)	Michelle R. Becker	Date	3/15/2004
Signature			

This collection of information is required by 37 CFR 1.8. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing the burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

## Instruction Sheet for RCEs

(not to be submitted to the USPTO)

### NOTES:

An RCE is not a new application, and filing an RCE will not result in an application being accorded a new filing date.

#### **Filing Qualifications:**

The application must be a utility or plant application filed on or after June 8, 1995. The application cannot be a provisional application, a utility or plant application filed before June 8, 1995, a design application, or a patent under reexamination. See 37 CFR 1.114(e).

#### **Filing Requirements:**

***Prosecution in the application must be closed.*** Prosecution is closed if the application is under appeal, or the last Office action is a final action, a notice of allowance, or an action that otherwise closes prosecution in the application (e.g., an Office action under *Ex parte Quayle*). See 37 CFR 1.114(b).

***A submission and a fee are required at the time the RCE is filed.*** If reply to an Office action under 35 U.S.C. 132 is outstanding (e.g., the application is under final rejection), the submission must meet the reply requirements of 37 CFR 1.111. If there is no outstanding Office action, the submission can be an information disclosure statement, an amendment, new arguments, or new evidence. See 37 CFR 1.114(c). The submission may be a previously filed amendment (e.g., an amendment after final rejection).

### WARNINGS:

#### **Request for Suspension of Action:**

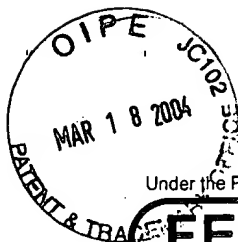
All RCE filing requirements must be met before suspension of action is granted. A request for a suspension of action under 37 CFR 1.103(c) does not satisfy the submission requirement and does not permit the filing of the required submission to be suspended.

#### **Improper RCE will NOT toll Any Time Period:**

***Before Appeal*** - If the RCE is improper (e.g., prosecution in the application is not closed or the submission or fee has not been filed) and the application is not under appeal, the time period set forth in the last Office action will continue to run and the application will be abandoned after the statutory time period has expired if a reply to the Office action is not timely filed. No additional time will be given to correct the improper RCE.

***Under Appeal*** - If the RCE is improper (e.g., the submission or the fee has not been filed) and the application is under appeal, the improper RCE is effective to withdraw the appeal. Withdrawal of the appeal results in the allowance or abandonment of the application depending on the status of the claims. If there are no allowed claims, the application is abandoned. If there is at least one allowed claim, the application will be passed to issue on the allowed claim(s). See MPEP 1215.01.

See MPEP 706.07(h) for further information on the RCE practice.



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<b>FEE TRANSMITTAL for FY 2003</b> <i>Effective 01/01/2003. Patent fees are subject to annual revision.</i>		<b>Complete if Known</b>	
		Application Number	09/954,988
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Filing Date	9/15/2001
		First Named Inventor	Hansen Jr. et al
		Examiner Name	Paul Zucker
TOTAL AMOUNT OF PAYMENT (\$)		Group Art Unit	1621
		Attorney Docket No.	3366/1 US

<b>METHOD OF PAYMENT</b> (check all that apply)		<b>FEE CALCULATION</b> (continued)			
<input type="checkbox"/> Check <input type="checkbox"/> Credit card <input type="checkbox"/> Money <input type="checkbox"/> Other <input type="checkbox"/> None		<b>3. ADDITIONAL FEES</b>			
<input checked="" type="checkbox"/> Deposit Account:		<b>Large Entity   Small Entity</b>			
Deposit Account Number: 19-1025		Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
Deposit Account Name: Pharmacia Corporation		1051 130	2051 65	Surcharge - late filing fee or oath	
The Commissioner is authorized to: (check all that apply)		1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
<input checked="" type="checkbox"/> Charge fee(s) indicated below <input checked="" type="checkbox"/> Credit any overpayments		1053 130	1053 130	Non - English specification	
<input checked="" type="checkbox"/> Charge any additional fee(s) during the pendency of this application		1812 2,520	1812 2,520	For filing a request for <i>ex parte</i> reexamination	
<input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.		1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
		1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
		1251 110	2251 55	Extension for reply within first month	
		1252 410	2252 205	Extension for reply within second month	
		1253 930	2253 465	Extension for reply within third month	950.00
		1254 1,450	2254 725	Extension for reply within fourth month	
		1255 1,970	2255 985	Extension for reply within fifth month	
		1401 320	2401 160	Notice of Appeal	
		1402 320	2402 160	Filing a brief in support of an appeal	
		1403 280	2403 140	Request for oral hearing	
		1451 1,510	1451 1,510	Petition to institute a public use proceeding	
		1452 110	2452 55	Petition to revive - unavoidable	
		1453 1,300	2453 650	Petition to revive - unintentional	
		1501 1,300	2501 650	Utility issue fee (or reissue)	
		1502 470	2502 235	Design issue fee	
		1503 630	2503 315	Plant issue fee	
		1460 130	1460 130	Petitions to the Commissioner	
		1807 50	1807 50	Processing fee under 37 CFR § 1.17(q)	
		1806 180	1806 180	Submission of Information Disclosure Statement	
		8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
		1809 750	2809 375	Filing a submission after final rejection (37 CFR § 1.129(a))	
		1810 750	2810 375	For each additional invention to be examined (37 CFR § 1.129(b))	
		1801 750	2801 375	Request for Continued Examination (RCE)	770.00
		1802 900	1802 900	Request for expedited examination of a design application	
		Other fee (specify) _____			
		SUBTOTAL (3) (\$)			\$1,720.00

<b>1. BASIC FILING FEE</b>	
Large Entity	Small Entity
Fee Code (\$)	Fee Code (\$)
1001 750	2001 375
1002 330	2002 165
1003 520	2003 260
1004 750	2004 375
1005 160	2005 80
SUBTOTAL (1) (\$)	

<b>2. EXTRA CLAIM FEES FOR UTILITY AND</b>	
Total Claims	Extra Claims
Independent Claims	Fee from below
Multiple Dependent	Fee Paid
	-20** = 0 X = 0.00
	-3** = 0 X = 0.00
Large Entity	Small Entity
Fee Code (\$)	Fee Code (\$)
1202 18	2202 9
1201 84	2201 42
1203 280	2203 140
1204 84	2204 42
1205 18	2205 9
SUBTOTAL (2) (\$)	

\*\*or number previously paid, if greater; For Reissues, see above

\*Reduced by Basic Filing Fee Paid

<b>SUBMITTED BY</b>		<b>Complete (if applicable)</b>	
Name (Print/Type)	Philip B. Polster, II	Registration No. (Attorney/Agent)	43,864
Signature		Telephone	314-274-9094
		Date	3/15/2004

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